

Advisory Opinions on Consent Agenda - July 2016

Item #	Docket #2	Caption	Analysis	Recommendation
G.9	2016-477	Advisory opinion request from a former Engineer Intern with the Department of Health and Hospitals, Office of Public Health (DHH-OPH), Divina Lanclos, regarding whether the post-employment restrictions found in the Code prohibit her from seeking employment with a private firm to create engineering plans that would be submitted to DHH engineering services for review.	Under the facts presented, generally, La. R.S. 42:1121B(1) would not prohibit her from seeking employment with engineering firms to work on new projects that will be submitted to DHH-OBH. Therefore, Ms. Lanclos is prohibited from contracting with or assisting another person for compensation in a transaction with DHH-OPH on any project she participated in at any time during her public service. Additionally, La. R.S. 42:1121C prohibits her future employer, for two years after the termination of her public service, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which she participated in during her service with DHH-OPH.	Adopt the proposed advisory opinion.
G.10	2016-540	Advisory opinion request by Sharon Green regarding whether she may accept employment with Wiley College while being employed by Southern University Shreveport (SUSLA).	Her hours worked for Wiley College would not be performed while she was working at SUSLA. Further, Wiley College does not have nor is it seeking a contractual, business, or other financial relationship with SUSLA.	Adopt the proposed advisory opinion.

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G.11	2016-545	Advisory opinion request regarding whether the Code of Governmental Ethics would prohibit faculty and staff of Southeastern Louisiana State University from participating in a Craft Show fundraiser to benefit the Golf Team.	The situation presented herein does not present an issue under the jurisdiction of the Ethics Board. The Code of Governmental Ethics would not prohibit faculty and staff from Southeastern University from transacting with the Louisiana Athletic Association to rent a booth at the craft fair held at the Pennington Center.	Adopt the proposed advisory opinion.
G.12	2016-546	Advisory opinion request regarding whether the Code of Governmental Ethics would prohibit Southeastern University Associate Professor, Amber Narro, from utilizing the Southeastern Logo license she has acquired to produce items for sale at area establishments	Under the facts presented, there are no provisions in the Louisiana Code of Governmental Ethics which would prohibit Ms. Narro from utilizing the Southeastern Logo license she acquired to produce items for sale at area establishments. However, caution Ms. Narro that she would be prohibited by La. R.S. 42:1111C(2)(d) from selling items to establishments which has a business or financial relationship with the Journalism or Golf Departments of the University.	Adopt the proposed advisory opinion.
G.13	2016-550	Advisory opinion regarding whether Harvard University may reimburse the Louisiana Department of Education for travel expenses incurred by Superintendent of Education John White in connection with his participation in a seminar at Harvard University's John F. Kennedy School of Public Policy.	R.S. 42:1111A prohibits Mr. White from being reimbursed directly for his travel expenses from Harvard University as his attendance at the seminar arises from his job duties and responsibilities as State Superintendent of Education. However, R.S. 42:1123(41) provides an exception to the prohibition as long as Mr. White files a disclosure statement within 60 days of receipt of the complimentary travel expenses. In addition, since Harvard University is not a prohibited source as defined by R.S. 42:1115, it is not prohibited from making a donation to the Louisiana Department of Education as long as such donation is unconditional.	Adopt the proposed advisory opinion.

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G.14	2016-551	Advisory opinion request as to whether Janie Doucet Fruge, CEO of West Calcasieu Cameron Hospital, is required to file annual personal financial disclosure statements pursuant to La. R.S. 42:1124.2.1.	Since Ms. Fruge does not serve as a commissioner or act as a designee of the commission, she is not required to file the Tier 2.1 Annual Personal Financial Disclosure Statement.	Adopt the proposed advisory opinion.
G.15	2016-552	Advisory opinion request by Vickie Elaine Fowler Dayton regarding whether her son-in-law, Patrick Campbell, may submit bids on behalf of his company to the Monroe City School System while Ms. Dayton serves as an elected member of the Monroe City School Board.	It is no longer necessary to answer the underlying issue as neither Jackson Paper Company nor Mr. Campbell want to submit bids to the Monroe City School System.	Allow the withdrawal.
G.16	2016-553	Advisory opinion request, submitted on behalf of the Louisiana Legislative Women's Caucus Foundation, regarding whether it can award a scholarship to an adult child of an employee of the Louisiana House of Representatives or Senate.	A public employee's child, who is over 18 years of age, is not subject to the prohibitions set forth in Section 1111A and 1115. Therefore, an adult child of an employee of the Louisiana House of Representatives or Senate receiving a scholarship from the LLWC Foundation would not present a violation of the Code.	Adopt the proposed advisory opinion.

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G.17	2016-554	Advisory opinion request by Wildred Kinnerson, Chairman of the St. Landry Parish Fire District No. 3, whether Terri Courvelle may serve as a member of the St. Landry Parish Fire District No. 3 Board of Commissioners (District Board), while her brother-in-law and husband are employed by the District.	The appointing authority to the District Board is the St. Landry Parish Council and is not under the supervision or jurisdiction of David Courvelle or Matthew Rabalais' agency. Being that Mr. Rabalais and Mr. Courvelle have been employed for over a year prior to Ms. Courvelle being appointed to an agency head position, Mr. Rabalais and Mr. Courvelle would be allowed to continue their employment as set out in La. R.S. 42:1119C(2). However, she would be prohibited from participating in any transaction in which Mr. Rabalias or Mr. Courvelle have a substantial economic interest.	Adopt the proposed advisory opinion.
G.18	2016-561	Advisory opinion request concerning the post-employment restrictions that apply to Sheila Clark as a former employee of the DeSoto Parish School System	Because Ms. Clark performed CLASS observations on behalf of DPSS during her employment, she would be prohibited from performing this same service on a contractual basis for DPSS for two years following her retirement.	Adopt the proposed advisory opinion.
G.19	2016-562	Advisory opinion request by Jim DiFatta, Chairman of the St. Bernard Parish Hospital Service District Board of Commissioners, regarding whether the St. Bernard Parish Hospital Board may employ Wayne J. Landry as Executive Director for the St. Bernard Parish Hospital.	Mr. Landry clearly evidenced his termination from the St. Bernard Hospital Service District Board via a letter dated May 19, 2014 to the St. Bernard Parish Council stating his resignation effective on May 20, 2014 at 3:00 p.m. The two year prohibition set forth in La. R.S. 42:1121A(2) expired on May 20, 2016 at 3:00 p.m.; therefore, Wayne J. Landry may be employed by the St. Bernard Parish Hospital Board as the Executive Director for the St. Bernard Parish Hospital.	Adopt the proposed advisory opinion.

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G.20	2016-563	Advisory opinion regarding the propriety of the appointment of Wendell S. Morgan to the Imperial Calcasieu Human Services Authority when he is a former employee of the Authority.	There is no conflict of interest presented with Mr. Morgan's appointment by the Allen Parish Police Jury to the Imperial Calcasieu Human Services Authority Board in light of his prior work history with the Imperial Calcasieu Human Services Authority.	Adopt the proposed advisory opinion.
G.21	2016-570	Advisory opinion request as to whether Tire Crew, LLC may sell tires to the Caddo Parish School System.	The maintenance department and the transportation department are separate agencies within the Caddo Parish School System. Therefore, Tire Crew, LLC would not be prohibited from selling tires to the transportation department while Steve Umling is employed within the maintenance department of the Caddo Parish School System.	Adopt the proposed advisory opinion.
G.22	2016-574	Advisory opinion request from John Vincent II regarding whether he may work as a contract employee for companies that have partnered with Belle Chasse Academy to provide after-school programs while his daughter-in-law is in charge of providing the after-school programs.	April Vincent's agency is Belle Chasse Academy. As such, Mr. Vincent would be prohibited from entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of Belle Chasse Academy. Providing training courses or instructing the courses for Belle Chasse Academy would be considered a transaction that is under the supervision of her agency.	Adopt the proposed advisory opinion.

Item #	Docket #2	Caption	Analysis	Recommendation
G.23	2016-578	Advisory opinion regarding whether the post-employment restrictions prohibit Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) employee, Bernard M. Plaia, Jr., from seeking employment as an insurance analyst once he retires from GOHSEP.	Section 1121B(1) of the Code would not prohibit Mr. Plaia from performing insurance analysis services for compensation within two years of the termination of his public service with GOSHEP. Since Mr. Plaia has not provided insurance analysis services as a staff attorney for GOHSEP, he would not be prohibited from seeking employment to provide insurance analysis in the two years after the termination of his public service.	Adopt the proposed advisory opinion.
G.24	2016-595	Advisory opinion request as to whether Dr. SreyRam Kuy may accept employment with a Louisiana licensed hospital or other healthcare provider that accepts Medicaid payments for medical services.	LOL, other Louisiana licensed hospitals and other healthcare providers that accept Medicaid payments for medical services are regulated by Dr. Kuy's agency, BHSF. Therefore, as the Medicaid Medical Director/Chief Medical Officer of BHSF, Dr. Kuy is prohibited from being employed by or from providing compensated services to these entities.	Adopt the proposed advisory opinion.
G.25	2016-597	Advisory opinion request from the City of New Orleans Emergency Medical Services (EMS) employee, Benjamin Swig, regarding whether the post-employment restrictions found in La. R.S. 42:1121C would prohibit him from starting a company which would enter into a cooperative endeavor with EMS within two years of the termination of his service with EMS.	Under the facts presented, specifically the fact that, Ready Responders would be assisting on new cases and not any case Mr. Swig participated in while employed with EMS, La. R.S. 42:1121C would not prohibit Ready Responders from entering into a cooperative endeavor within two years of the termination of his public service. Additionally, caution Mr. Swig that, while Ready Responders is not prohibited from entering a contract with EMS, La. R.S. 42:1121B prohibits Mr. Swig from rendering services as a paramedic under the Ready Responders cooperative endeavor with EMS for two years from the termination of his public service.	Adopt the proposed advisory opinion.